

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William L. Bowersock,

Case No. 3:10CV1938

Plaintiff

v.

ORDER

City of Lima, Ohio,

Defendant

William L. Bowersock, a *pro se* plaintiff, sued defendant City of Lima, Ohio alleging racial discrimination, selective enforcement, and First Amendment violations among other claims. Plaintiff alleges that the Court of Common Pleas of Allen County, Ohio, “is without jurisdiction or proper venue” because “Plaintiff has seceded” from the City, County and State. [Doc. 1, at 6].

Pending is plaintiff’s “Request for Restraining Order in Ex Parte Format.” [Doc. 2].

The same standard generally applies to the issuance of temporary restraining orders and preliminary injunctions. *Ne. Ohio Coal. for Homeless & Serv. Employees Int’l Union, Local 1199 v. Blackwell*, 467 F.3d 999, 1009 (6th Cir.2006); *see also Rios v. Blackwell*, 345 F. Supp. 2d 833, 835 (N.D. Ohio 2004). To grant either form of injunctive relief, I must consider: “(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury absent a stay; (3) whether granting the stay would cause substantial harm to

others; and (4) whether the public interest would be served by granting the stay.” *Ne. Ohio Coal, supra*, 467 F.3d at 1009; *see also Rios, supra*, 345 F. Supp. 2d at 835.

Having reviewed plaintiff’s motion [Doc. 2] and complaint [Doc. 1], I conclude that plaintiff is not likely to succeed on merits and as such, a temporary restraining order is not appropriate.

In addition, giving that apparent complete lack of legal basis for plaintiff’s complaint, I order him to show cause by October 1, 2010, why his complaint should not be dismissed as frivolous. Failure to show such cause shall result in dismissal with prejudice.

It is, therefore,

ORDERED THAT:

1. Plaintiff’s motion for temporary restraining order [Doc. 2] be, and the same hereby is denied; and
2. Plaintiff shall show cause on or before October 1, 2010, why his complaint should not be dismissed as frivolous; failure to show cause shall result in dismissal with prejudice.

So ordered.

s/James G. Carr
U.S. District Judge